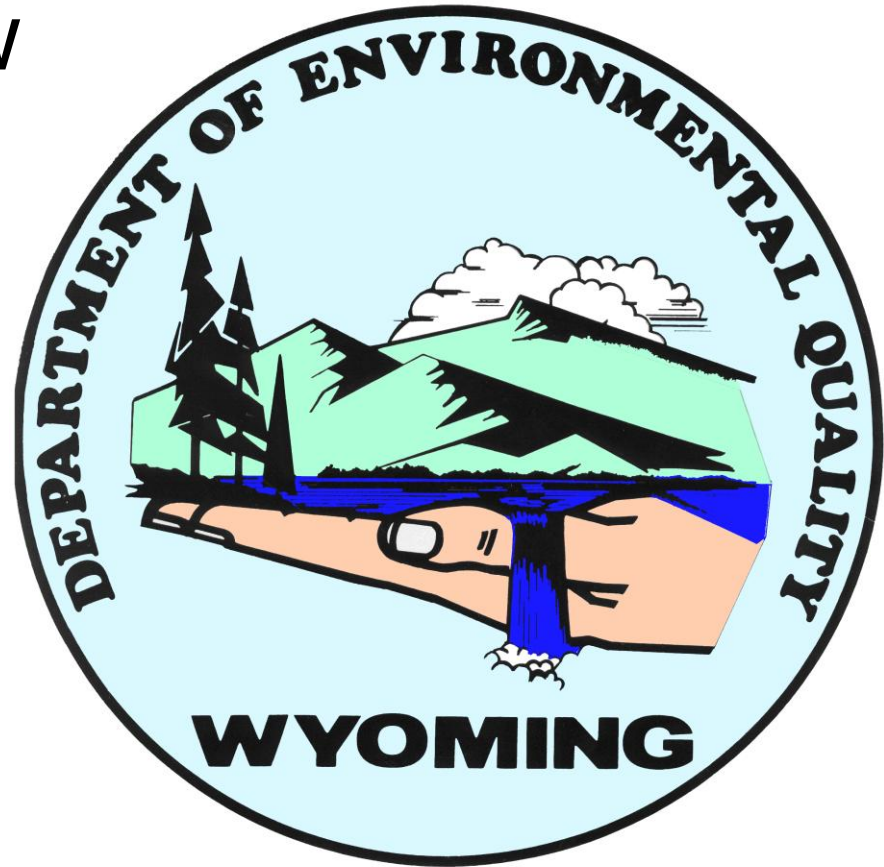


WYPDES Enforcement Management System Overview



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WYPDES Enforcement Management System Overview



- The Enforcement Management System (EMS) provides guidance in selecting the appropriate remedy for violations of the Wyoming Environmental Quality Act, W.S 35-11-101.
- Purpose of the Act is to protect and enhance Wyoming's surface water resources.
- The Act authorizes administrative, civil, and criminal enforcement.
- Objective is to promote a fair and consistent enforcement program of Wyoming's Pollution Discharge Elimination Systems (WYPDES) laws and regulations for both effluent and storm water discharges.

Compliance and Enforcement Roles of WYPDES Permits



- Primarily the responsibility of the Water Quality Division (WQD) field inspectors with regards to surface water discharges.
- EPA provides oversight to ensure the program is administered in accordance with various delegation agreements.
- The Wyoming Attorney General's Office (AG) provides legal services to the DEQ for civil and criminal actions.

Compliance Personnel Roles



- **Director of Environmental Quality**

- ☐ Provides power to conduct inspections, records reviews, investigations, enforcement, and permit revocation.

- **Administrator of the Water Quality Division**

- ☐ Serves at the pleasure of the Director and provides recommendations to the Director for WYPDES permitting and compliance issues.

- **Environmental Quality Council (EQC)**

- ☐ Seven members appointed by the Governor.
- ☐ Promulgate rules and to hear disputes regarding proposed permits.

- **WYPDES Staff**

- ☐ Preparation and issuance of WYPDES permits
- ☐ Review monitoring data and collect evidence with regards to permit violations and compliance evaluation.

- **Office of the Attorney General**

- ☐ Provide legal counsel for the DEQ.

Compliance Evaluation



- Compliance of WYPDES permits is evaluated on two components:
 - The monitoring and reporting requirements associated with a WYPDES permits to include:
 - Discharge Monitoring Reports (DMRs)
 - Compliance Schedule Information
 - Compliance inspections conducted by DEQ field inspectors.
- Information submitted by permittee or field inspectors is evaluated to determine if compliance with permit requirements is being maintained.
- If violations are determined the EMS Guidance Tables serve as a reference in determining the appropriate level of action to be taken.

Enforcement Evaluation



- **Violations are reviewed to evaluate the type of enforcement response needed.**

Factors considered in the penalty calculation are:

- ☐ The nature of the violation (effluent limits, reporting errors, spills).
- ☐ The duration or frequency of the violation. (continual, 1-day, recurring).
- ☐ Impact on the environment or human health (toxic).
- ☐ The willingness to cooperate and past compliance history of the violator

Enforcement Actions

- **Administrative Enforcement (resolve quickly)**

- ☐ Telephone calls
- ☐ Information requests
- ☐ **Letters of Violation (LOV)**

- Usually require a response within a specified period of time.
- Failure to respond can result in elevated enforcement actions.

- ☐ **Notice of Violation (NOV)**

- Cite specific violations and regulatory basis for the NOV.
- Signed by the WQD Administrator and DEQ Director.
- NOV and Order to cease and desist from any violation and require compliance with specific terms by a certain date.
- Orders are appealable to the EQC.
- DEQ can negotiate stipulated settlements that may include payment of a penalty, compliance schedules, or other conditions.
- **Penalty amounts are independent of the EMS and are confidential.**



Enforcement Actions continued

- **Judicial Enforcement (usually involves litigation)**

- Civil or criminal enforcement actions.
- Usually referred to the AG if administrative actions were unsuccessful.
- Can result in out-of-court settlements or trial process.
- Penalties are normally issued and can also require injunctive relief to resolve the violation.
- Upon a violation being corrected, any settlement agreement or consent decree will reflect that the violation has been resolved and compliance has been achieved.



Resolution Process to an NOV



- Contact WQD/Compliance to schedule a settlement meeting.
 - Settlement meeting provides opportunity to submit information requested in the NOV to the DEQ.
- Settlement Agreement (SA) is drafted with required stipulations once all parties are in agreement.
 - Stipulations may include any or all of the following:
 - Penalty (Monies are awarded to the School District where violation occurred)
 - Supplemental Environmental Project (SEP)
 - Facility Upgrades
 - Compliance Schedule
- Copy of SA is mailed out for signature of violator (permittee) and returned to the DEQ.

Notice of Compliance



- Notice of Compliance (NOC) is issued to permittee when all stipulations have been successfully met.
 - ☐ Payment of penalty
 - ☐ Submittal of requested information – Compliance Schedule
 - ☐ Completion of a Supplemental Environmental Project
- **All documents (NOV, SA, NOC) are public information and posted on the DEQ website.**

Thank you



<http://deq.state.wy.us/>